

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

15904-US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

Application Number

10/660,533

Filed

Sept 12, 2003

on _____

First Named Inventor

John P. PANUNTO

Typed or printed
name _____

Art Unit

3653

Examiner

MORRISON, Thomas A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.



Signature

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Hetal Kushwaha

attorney or agent of record.

Registration number _____

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 58,187

12 December 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Agent's Docket No. 15904-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
PANUNTO, John P. et al.)
)
Serial No: 10/660,533) Art Unit: 3653
)
Filed: 09/12/2003) Examiner: **MORRISON, Thomas A.**

For: **LARGE CAPACITY BOTTOM FEED DISPENSER**

December 12, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
U.S. Patent and Trademark Office
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
APPEALS**

The Applicants hereby appeal to the Board of Appeals from the Office Action dated June 15, 2006.

PETITION FOR EXTENSION OF TIME

Applicant respectfully requests a three month extension of time.

DEPOSIT ACCOUNT AUTHORIZATION

The Commissioner is hereby authorized to charge Deposit Account No. 13-1717 in the amount of \$510 for a three month extension of time (small entity) and \$250 for a Notice of Appeal, for a total of \$760. Any fees required by this paper and not otherwise paid for may be charged to Deposit Account No. 13-1717.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This is in response to the Office Action mailed 06/15/2006. Applicant requests a review of the Office Action. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons as follows:

Remarks and Arguments:

Claims 2 to 6, 8 to 10 and 12 to 13 remain for consideration in this application.

The Examiner has objected to claims 2-6, 8-10, 12-13 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter of the invention. In Applicant's response of September 14, 2006, Applicant amended claims 9 and 13 to address these objections. In particular, claim 9 was amended such that "said discharge chute" now reads - -said discharge end- -, and claim 13 was amended to identify each "nip" as either a - -first- - or - -second- - nip, and such that the expression "the single flat media elements" now reads - -the separated media elements- -.

Applicant submits that the Examiner improperly rejected entry of these amendments. The amendments put the claims in better form for appeal. These are clarifying amendments only and do not constitute a new issue. The scope of the claims has not been amended. Accordingly, Applicant respectfully requests reconsideration and asks that the amendments be entered prior to appeal.

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,978,114 (Holbrook) in view of U.S. Patent 5,641,155 (Bridges).

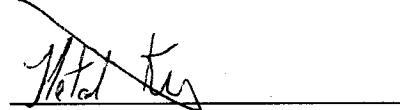
Applicant submits that the Examiner has erred in rejecting this claim since the Examiner has failed to establish that each and every structure of independent claim 13 is shown in the cited art. Specifically, none of the cited documents teach or suggest the use of a single media separator having a height adjustment as claimed in claim 13. Holbrook teaches that springs 235 and 241 urge the rollers of the first and second frames 161 and 185, respectively, downwards against the conveyor deck (see Abstract). Bridges is only directed to a pre-feeder gate and does not even mention the use of a single media separator.

Since Holbrook and Bridges do not teach or suggest every element of claim 13, the Applicant submits that a *prima facie* case of obviousness has not been established against this claim.

Dependent claims 2 to 6, 8 to 10 and 12 depend either directly or indirectly from independent claim 13, and include all of the limitations of its parent claim. Therefore, the dependent claims are believed to be distinguishable over the cited references for at least the same reasons as those given to the respective parent claim.

Accordingly, Applicant respectfully requests a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Hetal P. Kushwaha

Registration No. 58,187

MARKS & CLERK
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